

1. **GANG ACTIVITY**

A. All Department personnel will consult with the Gang Enforcement Unit before submitting a case and/or when working with a prosecuting agency to charge an individual/s for any criminal street gang related charges including, but not limited to, the following:

- [A.R.S. 13-2321](#)- “Participating in or assisting a criminal street gang.”
- [A.R.S. 13-1202.A.3](#) – “Threatening and intimidating to cause physical injury to another person or damage the property of another in order to promote, further or assist in the interests of or to cause, induce or solicit another person to participate in a criminal street gang, a criminal syndicate or a racketeering enterprise.”
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- [A.R.S. 13-1602.B.3](#) – “Criminal damage, the damage is inflicted to promote, further or assist any criminal street gang or criminal syndicate with the intent to intimidate the person.”
- [A.R.S. 13-3102.A.9](#) – “Discharging a firearm at an occupied structure in order to assist, promote or further the interests of a criminal street gang, a criminal syndicate or a racketeering enterprise.”
- [A.R.S. 13-3102.A.16](#) – “Misconduct involving weapons, trafficking in weapons or explosives for financial gain in order to assist, promote or further the interests of a criminal street gang, a criminal syndicate or a racketeering enterprise.”

NOTE: Violations of this statute that are not complete in furtherance or promotion of a criminal street gang require assistance from CGIU.

B. **Definitions**

(1) Criminal Street Gang ARS 13-105.8	An ongoing formal or informal association of persons whose members or associates individually or collectively engage in the commission, attempted commission, facilitation, or solicitation of any felony act, and who has at least one individual who is a criminal street gang member.
(2) Gang Activity	Any activity in which known or suspected gang members or associates engage to promote their gang status or personal status in the gang.
(3) Gang-Related Crime Incident	Any criminal act committed for the purpose of promoting gang status or personal status in a gang.

C. The Drug Enforcement Bureau (DEB) Street Gang Enforcement Unit has follow-up responsibilities on gang-related simple assaults, aggravated assaults, reckless endangerment, and threats.

- All other gang-related crime reports will be assigned to the appropriate investigative details.

D. **Gang-Related Criminal Investigations**

- (1) Officers should be aware the mere presence of gang members at a scene, or criminal acts committed by known gang members or associates alone, does not make it a gang-related incident.
- (2) During the initial stages of an investigation, officers should look for factors to establish gang motivation: for example:
 - Was the event caused by or did the proclamation or use of gang signs, slogans, or colors contribute to the cause of the offense?
 - Was the act committed to intimidate someone to join the gang?
 - Was the act committed to intimidate a victim/witness from reporting gang-related incidents or testifying in a gang-related case?

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1. D. (2) Gang-Related Criminal Investigations (continued)

- Was the act committed as disrespect for another gang's territory (graffiti placements or cross-outs etc.)?
- Was the act retaliation for a real or perceived offense or insult against the gang?
- Was the act related to a gang's effort to gain tribute or establish status of the gang or gang member?
- Was it the opinion of the witnesses/victims the act was gang-related?
- Does the physical evidence suggest gang activity?

F. Documentation

(1) The following information will be included in reports whenever possible:

- Identity of gang members, including physical and clothing descriptions
- Names of gang member associates, including nicknames and aliases
- Vehicles used by gang members or their associates
- Locations frequented by gang members

(2) It is important officers justify identification of an individual as a gang member by following the definition of a criminal street gang member as listed in [ARS 13-105.8](#).

(3) Officers will submit all Gang Member Identification Criteria (GMIC) forms to the Gang Enforcement Unit for review and approval.

NOTE: Any requests to establish a new gang in the DPS Database will require the approval of the Gang Enforcement Lieutenant.

(4) Officers should document the criterion were met to indicate gang membership by using the following:

(a) Self-Proclamation	Care must be used to determine if this is bragging or the truth
(b) Witness Testimony/ Official Statement	Statements made in court and recorded
(c) Written/Electronic Correspondence	Gang graffiti; gang literature; gang constitution, rules, or instructions; gang roster, etc.
(d) Paraphernalia/ Photographs	Gang business cards, stickers, clubs, and/or photographs showing gang hand signs
(e) Tattoos	Specific to particular gang, such as initials of gang (photo recommended)
(f) Clothing or Colors	Specific to a particular gang, such as name or initials of gang on clothing, hats, shoes (photograph recommended)
(g) Other Gang Indicia	Association with other known gang member and any article or item that would indicate gang membership

G. Outlaw Motorcycle Gangs

(1) IRs involving outlaw motorcycle gang members should be assigned to GEU.

(2) Any other information regarding members or associate members of outlaw motorcycle gangs should be noted in a memorandum and forwarded to GEU.

Last Organizational Review: